

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

| | | |
|------------------------|---|-----------------------------|
| Red Trail Energy, LLC, |) | |
| |) | |
| Plaintiff, |) | ORDER EXTENDING STAY |
| |) | |
| vs. |) | |
| |) | |
| Fagen, Inc., |) | |
| |) | Case No. 1:10-cv-047 |
| Defendant. |) | |

On June 23, 2010, the court entered an order adopting a “Stipulation to Stay Proceedings” filed by the parties on June 22, 2010, and stayed the above-entitled action for sixty days pending completion of the parties’ mediation. See Docket No. 5.

On August 31, 2010, the parties filed a “Stipulation to Extend Stay of Proceedings Pending Completion of Mediation.” Therein the parties agreed to extend the stay until September 30, 2010.

The court **ADOPTS** the parties’ stipulation (Docket No. 6). This matter is **STAYED** until September 30, 2010, with the understanding that it may be extended by agreement of the parties. Unless the parties agree to extend the stay beyond September 30, 2010, the court shall issue an order lifting the stay so that this matter may be restored to its active docket. At that time, defendant shall have 20 days to answer or otherwise respond to plaintiff’s complaint. Plaintiff reserves it’s right to contest the removal of this action to federal court.

IT IS SO ORDERED.

Dated this 31st day of August, 2010.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge